

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroshi MIYAGI

Art Unit:

S. N. 09/530,369

Examiner:

International S.N.: PCT/JP99/04698

Filed: April 28, 2000

International Filing Date: August 31, 1999

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTSUNDER 35 U.S.C. 371 IN THE UNITED STATESDESIGNATED/ELECTED OFFICE (DO/EO/US)

and

REQUEST FOR REFUND

Assistant Commissioner for Patents

Box PCT

Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed March 1, 1999 (copy enclosed), two copies of the declaration signed by the inventor, identifying this application by International serial number and filing date, are enclosed herewith, together with a check in the

## Certification Under 37 CFR 1.10

I hereby certify that this Response and the documents and fees referred to as enclosed therein are being deposited with the United States Postal Service on this 5<sup>th</sup> day of September, 2000, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL696074468US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

09/08/2000

ERIMANDO 00000146 09530369

01 FC:154

130.00 OP

James H. Walters

amount of \$130.00 for the surcharge under 37 CFR 1.492(e). The enclosed copies of the declaration are identical except that one copy includes a certification thereon that it is a complete and exact copy of the original (i.e., true copy) and the other is a clean copy of the original.

Applicant's attorney wishes to point out that the original declaration was included with the application at the time of filing the application on April 28, 2000, at 6:26 p.m. Applicant's attorney has reviewed the file to determine if the original declaration could have been retained, but the original declaration is not in the file and, since the applicant's attorney reviewed the contents of the Express Mail packet before sealing the Express Mail packet, he believes the original declaration was transmitted to the Patent Office at the time of filing the application. In support of this statement, true copies of page 1 of the transmittal letter, of the certificate of mailing, and of the declaration of mailing, which was filled out promptly after depositing the application papers with the U.S. Post Office are enclosed herewith. Therefore, a request is hereby made for a refund of the \$130.00 for the surcharge under 37 CFR 1.492(e). Please forward the refund to the undersigned.

Respectfully submitted,



James H. Walters, Reg. No. 35,731

DELLETT AND WALTERS  
Suite 1101  
310 S. W. Fourth Avenue  
Portland, Oregon 97204  
(503) 224-0115  
DOCKET: A-356

A-356

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

INTERNATIONAL APPLICATION NO.  
PCT/JP99/04698INTERNATIONAL FILING DATE  
31 August 1999PRIORITY DATE CLAIMED  
4 September 1998

## TITLE OF INVENTION

MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

## APPLICANT(S) FOR DO/EO/US

Hiroshi MIYAGI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  A copy of the International Search Report (PCT/ISA/210).
8.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
9.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 20 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A **FIRST** preliminary amendment.
16.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
17.  A substitute specification.
18.  A change of power of attorney and/or address letter.
19.  Certificate of Mailing by Express Mail
20.  Other items or information:

Inventor Information Sheet (Patent Bibliographical Data)  
 Copy of Form PCT/IB/308  
 Small Entity Statement  
 Form PTO-1449 and copies of documents listed thereon

I HEREBY CERTIFY THAT THE FOREGOING  
 IS A COMPLETE AND EXACT COPY OF THE  
 ORIGINAL THEREOF

*Hiroshi Miyagi*  
 Attorney for Applicant

## CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Hiroshi MIYAGI

Docket No.

A-356

Serial No.  
PCT/JP99/04698Filing Date  
31 August 1999

Examiner

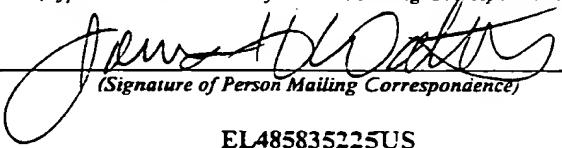
Group Art Unit

Invention:

MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

I hereby certify that this Entry to National Phase Transmittal (& documents & fees listed as enclosed)*(Identify type of correspondence)*is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231on April 28, 2000  
*(Date)*

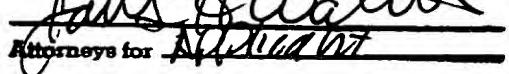
James H. Walters

*(Typed or Printed Name of Person Mailing Correspondence)*  
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**A-356**

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**I HEREBY CERTIFY THAT THE FOREGOING  
IS A COMPLETE AND EXACT COPY OF THE  
ORIGINAL THEREOF**

*John M. DeJalles*  
Attorneys for Applicant

Express Mail # **EL485835225US**

In re Application of

Hiroshi MIYAGI

S. N.

International S.N.: PCT/JP99/04698

Filed:

International Filing Date: 31 August 1999

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

**DECLARATION OF MAILING**

I, James H. Walters, hereby declare that on

April 28, 2000 at 626 a.m. p.m. I deposited a package bearing an Express Mail mailing label, No. EL485835225US, addressed to:

Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231

Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

Other \_\_\_\_\_

with the U. S. Post Office at the following location:

Main Branch, Portland, Oregon

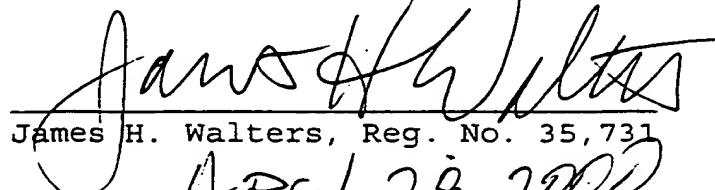
Central Station, Fifth Avenue, Portland, Oregon

Airport Facility, Portland, Oregon

Other \_\_\_\_\_

I deposited the package with a postal employee and the postal employee indicated that the deposit time was before the last scheduled collection.

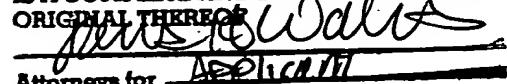
I deposited the package in an Express Mail receptacle. Before depositing the package, I examined the collection schedule posted on the receptacle and determined that the last scheduled collection was \_\_\_\_\_ p.m.

  
James H. Walters, Reg. No. 35,731

Date: April 28, 2000

Time: 632 a.m. p.m.

I HEREBY CERTIFY THAT THE FOREGOING  
IS A COMPLETE AND EXACT COPY OF THE  
ORIGINAL THEREOF

  
Attorneys for Applicant

Express Mail #EL696074468US



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/530369	MIYAGI	H A-356
JAMES H WALTERS DELLETT AND WALTERS 310 S W FOURTH AVENUE SUITE 1101 PORTLAND, OR 97024		INTERNATIONAL APPLICATION NO.
		PCT/JP99/04698
		I.A. FILING DATE
		31 AUG 99
		PRIORITY DATE
		04 SEP 98
		DATE MAILED: 04 AUG 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:  
 a Designated Office (37 CFR 1.494),  
 an Elected Office (37 CFR 1.495);  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Information Disclosure Statement(s) filed 28 APR 2000 and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:

PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

  
Karen McLean, Paralegal  
Telephone: 703-308-9117

Express Mail #EL696074468US